

Department of Health
Notice of Rulemaking Hearing
Board for Licensing Health Care Facilities
Division of Health Care Facilities

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of amendment of rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Tennessee Room on the Ground floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 9:00 a.m. (CST) on the 17th day of January, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Care Facilities, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing visit the Department of Health's web page on the Internet at www.state.tn.us/health and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-0508, (615) 741-7598.

Substance of Proposed Rules

Chapter 1200-8-1
Standards for Hospitals

Chapter 1200-8-6
Standards for Nursing Homes

Chapter 1200-8-10
Standards for Ambulatory Surgical Treatment Centers

Chapter 1200-8-11
Standards for Homes for the Aged

Chapter 1200-8-15
Standards for Residential Hospices

Chapter 1200-8-18
Alcohol and Other Drugs of Abuse Non-Residential Treatment Facilities

Chapter 1200-8-19
Alcohol and Other Drugs of Abuse DUI School Facilities

Chapter 1200-8-20
Alcohol and Other Drugs of Abuse Prevention Program Facilities

Chapter 1200-8-25
Standards for Assisted-Care Living Facilities

Chapter 1200-8-26
Standards for Home Care Organizations Providing Home Health Services

Chapter 1200-8-27
Standards for Home Care Organizations Providing Hospice Services

Chapter 1200-8-28
Standards for HIV Supportive Living Facilities

Chapter 1200-8-29
Standards for Home Care Organizations Providing Home Medical Equipment

Chapter 1200-8-35
Standards for Outpatient Diagnostic Centers

Amendments

Rule 1200-8-1-.04, Administration, is amended by adding the following language as new paragraph (11), so that as amended, the new paragraph (11) shall read:

- (11) Hospice services may be provided in an area designated by a hospital for exclusive use by a home care organization certified as a hospice provider to provide care at the hospice inpatient or respite level of care in accordance with the hospice's Medicare certification. Admission to the hospital is not required in order for a patient to receive such hospice services, regardless of the patient's length of stay. The designation by a hospital of a portion of its facility for exclusive use by a home care organization to provide hospice services to its patients shall not:
- (a) alter the license to bed complement of such hospital, or
 - (b) result in the establishment of a residential hospice.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-1-.07, Optional Hospital Services, is amended by deleting subparagraphs (1)(i) and (1)(k) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1)(i) and (1)(k) shall read:

- (1)(i) A hospital can petition the director of health care facilities of the department for a waiver from the provisions of 1200-8-1-.07(1)(h) if they are unable to employ a sufficient number of surgical technologists who meet the requirements. The facility shall demonstrate to the director that a diligent and thorough effort has been made to employ surgical technologist who meet the requirements. The director shall refuse to grant a waiver upon finding that a diligent and thorough effort has not been made. A waiver shall exempt a facility from meeting the requirements for not more than nine (9) months. Additional waivers may be granted, but all exemptions greater than twelve (12) months shall be approved by the Board for Licensing Health Care Facilities.
- (1)(k) Properly executed informed consent, advance directive, and organ donation forms, when applicable, must be in the patient's chart before surgery, except in emergencies.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-209 and 68-57-102.

Rule 1200-8-1-.07, Optional Hospital Services, is amended by adding the following language as new subparagraph (1)(j) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (1)(j) shall read:

- (1)(j) Surgical technologist shall demonstrate continued competence in order to perform their professional duties in surgical technology. The employer will maintain evidence of the continued competence of such individuals. Continued competence activities may include but are not limited to continuing education, in-service training, or certification renewal.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-209 and 68-57-102.

Rule 1200-8-1-.08, Building Standards, is amended by adding the following language as new paragraph (26), so that as amended, the new paragraph (26) shall read:

- (26) Each hospital shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216 and 68-11-259.

Rule 1200-8-1-.11, Records and Reports, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) Hospitals shall submit their Joint Annual Report data within one hundred and fifty (150) days after the end of each hospital's fiscal year and within one hundred and fifty (150) days after closure or a change in ownership. Hospitals shall also submit to the department, at the same time the hospital sends the signed paper copy of the report, a notarized statement from the hospital's financial auditor stating that the financial data reported on the Joint Annual Report is consistent with the audited financials for the hospital for that reporting year. The notarized statement shall also be attested to by the chief executive officer of the submitting hospital.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-216, and 68-11-310.

Rule 1200-8-6-.04, Administration, is amended by adding the following language as new paragraph (16) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (16) shall read:

- (16) Each nursing home shall post whether they have liability insurance, the identity of their primary insurance carrier, and if self-insured, the corporate entity responsible for payment of any claims. It shall be posted on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height and displayed at the main public entrance.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-225, 68-11-256, 68-11-257, and 68-11-906.

Rule 1200-8-6-.05, Admissions, Discharges, and Transfers, is amended by adding the following language as new paragraph (3) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (3) shall read:

- (3) Each nursing home shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, whether the facility has liability insurance and the identity of the primary insurance carrier. If the facility is self-insured, their statement shall reflect that fact and indicate the corporate entity responsible for payment of any claims.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-257.

Rule 1200-8-6-.08, Building Standards, is amended by adding the following language as new paragraph (24), so that as amended, the new paragraph (24) shall read:

- (24) Each nursing home shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-259.

Rule 1200-8-10-.06, Basic Services, is amended by deleting subparagraph (1)(k) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1)(k) shall read:

- (1)(k) An ASTC can petition the director of health care facilities of the department for a waiver from the provisions of 1200-8-10-.06(1)(j) if they are unable to employ a sufficient number of surgical technologists who meet the requirements. The facility shall demonstrate to the director that a diligent and thorough effort has been made to employ surgical technologist who meet the requirements. The director shall refuse to grant a waiver upon finding that a diligent and thorough effort has not been made. A waiver shall exempt a facility from meeting the requirements for not more than nine (9) months. Additional waivers may be granted, but all exemptions greater than twelve (12) months shall be approved by the Board for Licensing Health Care Facilities.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 68-57-102.

Rule 1200-8-10-.06, Basic Services, is amended by adding the following language as new subparagraph (1)(l) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (1)(l) shall read:

- (1)(l) Surgical technologist shall demonstrate continued competence in order to perform their professional duties in surgical technology. The employer will maintain evidence of the continued competence of such individuals. Continued competence activities may include but are not limited to continuing education, in-service training, or certification renewal.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 68-57-102.

Rule 1200-8-10-.08, Building Standards, is amended by adding the following language as new paragraph (25), so that as amended, the new paragraph (25) shall read:

- (25) Each ambulatory surgical treatment center shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 68-11-259.

Rule 1200-8-11-.01, Definitions, is amended by deleting paragraph (26) in its entirety and substituting instead the following language, so that as amended, the new paragraph (26) shall read:

- (26) Home for the Aged. A home represented and held out to the general public as a home which primarily accepts aged persons for relatively permanent, domiciliary care with primarily being defined as 51% or more of the population of the home for the aged. It provides room, board and personal services to four (4) or more nonrelated persons. The term home includes any building or part thereof which provides services as defined in these rules.

Authority: T.C.A. §§4-5-202, 4-5-204, 39-11-106, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-216, 68-11-224, and 68-11-1802.

Rule 1200-8-11-.04, Administration, is amended by adding the following language as new subparagraph (5)(e) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (5)(e) shall read:

- (5)(e) Post whether they have liability insurance, the identity of their primary insurance carrier, and if self-insured, the corporate entity responsible for payment of any claims. It shall be posted on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height and displayed at the main public entrance.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-257.

Rule 1200-8-11-.05, Admissions, Discharges, and Transfers, is amended by adding the following language as new paragraph (2) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (2) shall read:

- (2) Each home for the aged shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, whether the facility has liability insurance and the identity of the primary insurance carrier. If the facility is self-insured, their statement shall reflect that fact and indicate the corporate entity responsible for payment of any claims.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-257.

Rule 1200-8-11-.07, Building Standards, is amended by adding the following language as new paragraph (28), so that as amended, the new paragraph (28) shall read:

- (28) Each home for the aged shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-259.

Rule 1200-8-15-.08, Building Standards, is amended by adding the following language as new paragraph (24), so that as amended, the new paragraph (24) shall read:

- (24) Each residential hospice shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-259.

Rule 1200-8-18-.01, Definitions, is amended by adding the following language as new paragraph (10) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (10) shall read:

- (10) Branch Office. A location where alcohol and drug prevention and treatment services are actually delivered and is located sufficiently close (within 100 miles from a parent office) to share administrative services with the parent office and must maintain the same corporate name of the parent.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-22-210, 68-11-211, and 68-11-213.

Rule 1200-8-18-.02, Licensing Procedures, is amended by deleting subparagraph (2)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2)(b) shall read:

- (b) Each initial and renewal application for licensure shall be submitted with the appropriate fee or fees. All fees submitted are nonrefundable. The fee rate is based on the number of distinct facility categories to be operated at each residential and non-residential site. Offices providing alcohol and drug prevention and treatment services shall be classified as either a parent office or as a branch office of the facility and only one (1) license shall be required for the parent and its related branch offices. Any applicant who files an application during the fiscal year must pay the full license fee.

Non-Residential

Fees Per Site:

One (1) Distinct Facility Category..... \$ 600.00

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-18-.02, Licensing Procedures, is amended by deleting paragraph (4) in its entirety and re-numbering the remaining paragraphs appropriately.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-18-.04, Administration, is amended by adding the following language as new paragraphs (2), (3), (4), and (5) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraphs (2), (3), (4), and (5) shall read:

- (2) A parent office shall develop and maintain administrative controls of the branch office and house the administrative functions and administrative records of the facility. The parent office shall be ultimately responsible for human resource activities and all financial and contractual agreements for the facility, including both parent and branch offices. The administrative records of the facility shall be viewed by the inspectors and auditors at the parent office.
- (3) A branch office is a location where alcohol and drug prevention and treatment services are actually delivered. A branch office must be sufficiently close to share administrative services with the parent office and must maintain the same corporate name of the parent. The parent office shall make on-site supervisory visits to each branch office and shall maintain regular administrative contact with its branch offices. Documentation of this contact shall be maintained by the parent office. The parent office shall receive at least quarterly written staffing reports from its branch offices, including information regarding staffing needs, staffing patterns and staff productivity. A branch office shall be deemed to be sufficiently

close if it is within 100 miles of the parent office; provided that the remaining criteria set forth in this subsection are also applicable. A branch office that is greater than 100 miles from a parent office may be considered a branch office by the board if it otherwise meets the criteria set forth in this subdivision. Locations other than the parent office where merely administrative services take place, such as filling out paper work or conducting staff meetings, shall not be considered a branch office or part of the license and shall not be subject to inspection or audit.

- (4) The parent office of a facility shall have a clearly defined process to ensure that effective interchange occurs between the parent and branch regarding various functions including branch staffing requirements, branch office patient census, total visits provided by the branch, complaints, incident reports and referrals.
- (5) The branch office of a facility shall maintain the same standards of practice for the services delivered by the branch office, as the parent office of the facility, including forms, policies, procedures and service delivery standards. The parent office of a facility shall maintain documentation of integration between the parent office and its branch offices.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-222.

Rule 1200-8-19-.01, Definitions, is amended by adding the following language as new paragraph (10) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (10) shall read:

- (10) Branch Office. A location where alcohol and drug prevention and treatment services are provided and is located sufficiently close (within 100 miles from a parent office) to share administrative services with the parent office and must maintain the same corporate name of the parent.

Authority: T.C.A. §§4-5-202 through 4-5-206, 68-11-201, 68-11-202, 68-11-207, 68-11-209, 68-22-210, 68-11-211, and 68-11-213.

Rule 1200-8-19-.02, Licensing Procedures, is amended by deleting subparagraph (2)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2)(b) shall read:

- (b) Each initial and renewal application for licensure shall be submitted with the appropriate fee or fees. All fees submitted are nonrefundable. The fee rate is based on the number of distinct facility categories to be operated at each residential and non-residential site. Offices providing alcohol and drug prevention and treatment services shall be classified as either a parent office or as a branch office of the facility and only one (1) license shall be required for the parent and its related branch offices. Any applicant who files an application during the fiscal year must pay the full license fee.

Non-Residential

Fees Per Site:

One (1) Distinct Facility Category..... \$ 600.00

Authority: T.C.A. §§4-5-202 through 4-5-206, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-22-210, 68-11-213, and 68-11-216.

Rule 1200-8-19-.02, Licensing Procedures, is amended by deleting paragraph (4) in its entirety and re-numbering the remaining paragraphs appropriately.

Authority: T.C.A. §§4-5-202 through 4-5-206, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-22-210, 68-11-213, and 68-11-216.

Rule 1200-8-19-.04, Administration, is amended by adding the following language as new paragraphs (2), (3), (4), and (5) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraphs (2), (3), (4), and (5) shall read:

- (2) A parent office shall develop and maintain administrative controls of the branch office and house the administrative functions and administrative records of the facility. The parent office shall be ultimately responsible for human resource activities and all financial and contractual agreements for the facility, including both parent and branch offices. The administrative records of the facility shall be viewed by the inspectors and auditors at the parent office.
- (3) A branch office is a location where alcohol and drug prevention and treatment services are actually delivered. A branch office must be sufficiently close to share administrative services with the parent office and must maintain the same corporate name of the parent. The parent office shall make on-site supervisory visits to each branch office and shall maintain regular administrative contact with its branch offices. Documentation of this contact shall be maintained by the parent office. The parent office shall receive at least quarterly written staffing reports from its branch offices, including information regarding staffing needs, staffing patterns and staff productivity. A branch office shall be deemed to be sufficiently close if it is within 100 miles of the parent office; provided that the remaining criteria set forth in this subsection are also applicable. A branch office that is greater than 100 miles from a parent office may be considered a branch office by the board if it otherwise meets the criteria set forth in this subdivision. Locations other than the parent office where merely administrative services take place, such as filling out paper work or conducting staff meetings, shall not be considered a branch office or part of the license and shall not be subject to inspection or audit.
- (4) The parent office of a facility shall have a clearly defined process to ensure that effective interchange occurs between the parent and branch regarding various functions including branch staffing requirements, branch office patient census, total visits provided by the branch, complaints, incident reports and referrals.

- (5) The branch office of a facility shall maintain the same standards of practice for the services delivered by the branch office, as the parent office of the facility, including forms, policies, procedures and service delivery standards. The parent office of a facility shall maintain documentation of integration between the parent office and its branch offices.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-222.

Rule 1200-8-20-.01, Definitions, is amended by adding the following language as new paragraph (12) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (12) shall read:

- (12) Branch Office. A location where alcohol and drug prevention and treatment services are provided and is located sufficiently close (within 100 miles from a parent office) to share administrative services with the parent office and must maintain the same corporate name of the parent.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-22-210, 68-11-211, and 68-11-213.

Rule 1200-8-20-.02, Licensing Procedures, is amended by deleting subparagraph (2)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2)(b) shall read:

- (b) Each initial and renewal application for licensure shall be submitted with the appropriate fee or fees. All fees submitted are nonrefundable. The fee rate is based on the number of distinct facility categories to be operated at each residential and non-residential site. Offices providing alcohol and drug prevention and treatment services shall be classified as either a parent office or as a branch office of the facility and only one (1) license shall be required for the parent and its related branch offices. Any applicant who files an application during the fiscal year must pay the full license fee.

Non-Residential

Fees Per Site:

One (1) Distinct Facility Category..... \$ 600.00

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-20-.02, Licensing Procedures, is amended by deleting paragraph (4) in its entirety and re-numbering the remaining paragraphs appropriately.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

Rule 1200-8-20-.04, Administration, is amended by adding the following language as new paragraphs (2), (3), (4), and (5) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraphs (2), (3), (4), and (5) shall read:

- (2) A parent office shall develop and maintain administrative controls of the branch office and house the administrative functions and administrative records of the facility. The parent office shall be ultimately responsible for human resource activities and all financial and contractual agreements for the facility, including both parent and branch offices. The administrative records of the facility shall be viewed by the inspectors and auditors at the parent office.
- (3) A branch office is a location where alcohol and drug prevention and treatment services are actually delivered. A branch office must be sufficiently close to share administrative services with the parent office and must maintain the same corporate name of the parent. The parent office shall make on-site supervisory visits to each branch office and shall maintain regular administrative contact with its branch offices. Documentation of this contact shall be maintained by the parent office. The parent office shall receive at least quarterly written staffing reports from its branch offices, including information regarding staffing needs, staffing patterns and staff productivity. A branch office shall be deemed to be sufficiently close if it is within 100 miles of the parent office; provided that the remaining criteria set forth in this subsection are also applicable. A branch office that is greater than 100 miles from a parent office may be considered a branch office by the board if it otherwise meets the criteria set forth in this subdivision. Locations other than the parent office where merely administrative services take place, such as filling out paper work or conducting staff meetings, shall not be considered a branch office or part of the license and shall not be subject to inspection or audit.
- (4) The parent office of a facility shall have a clearly defined process to ensure that effective interchange occurs between the parent and branch regarding various functions including branch staffing requirements, branch office patient census, total visits provided by the branch, complaints, incident reports and referrals.
- (5) The branch office of a facility shall maintain the same standards of practice for the services delivered by the branch office, as the parent office of the facility, including forms, policies, procedures and service delivery standards. The parent office of a facility shall maintain documentation of integration between the parent office and its branch offices.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-222.

Rule 1200-8-25-.02, Licensing Procedures, is amended by deleting paragraph (6) in its entirety and re-numbering the remaining paragraphs appropriately.

Authority: T.C.A. §§4-5-202, 4-5-204, 39-11-106, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-207, 68-11-209, 68-11-210, 68-11-211, 68-11-213, 68-11-224, and 68-11-1802.

Rule 1200-8-25-.04, Administration, is amended by adding the following language as new subparagraph (5)(e) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (5)(e) shall read:

- (5)(e) Post whether they have liability insurance, the identity of their primary insurance carrier, and if self-insured, the corporate entity responsible for payment of any claims. It shall be posted on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height and displayed at the main public entrance.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-257.

Rule 1200-8-25-.04, Administration, is amended by adding the following language as new subparagraph (5)(c) and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (5)(c) shall read:

- (c) A registered nurse may make the actual determination and pronouncement of death under the following circumstances:
 - 1. The deceased was a resident of an assisted-care living facility;
 - 2. Death was anticipated, and the attending physician has agreed in writing to sign the death certificate. Such agreement by the attending physician must be present and with the deceased at the place of death;
 - 3. The nurse is licensed by the state; and
 - 4. The nurse is employed by the assisted-care living facility in which the deceased resided.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-257.

Rule 1200-8-25-.05, Admissions, Discharges, and Transfers, is amended by adding the following language as new paragraph (2) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (2) shall read:

- (2) Each assisted-care living facility shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, whether the facility has liability insurance and the identity of the primary insurance carrier. If the facility

is self-insured, their statement shall reflect that fact and indicate the corporate entity responsible for payment of any claims.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, and 68-11-257.

Rule 1200-8-25-.07, Building Standards, is amended by adding the following language as new paragraph (28), so that as amended, the new paragraph (28) shall read:

- (28) Each assisted-care living facility shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-259.

Rule 1200-8-26-.06, Basic Agency Functions, is amended by adding the following language as new subparagraph (11)(b), and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (11)(b) shall read:

- (11)(b) A home health agency is authorized to receive and appropriately act on a written order for a plan of care for a patient concerning a home health service signed by a physician that is transmitted to the home health agency by electronically signed mail. Such order that is transmitted by electronic mail shall be deemed to meet any requirement for written documentation imposed by this regulation.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-259, and 68-11-304.

Rule 1200-8-27-.04, Administration, is amended by adding the following language as new paragraph (9) and re-numbering the remaining paragraphs appropriately, so that as amended, the new paragraph (9) shall read:

- (9) Hospice services may be provided in an area designated by a hospital for exclusive use by a home care organization certified as a hospice provider to provide care at the hospice inpatient or respite level of care in accordance with the hospice's Medicare certification. Admission to the hospital is not required in order for a patient to receive such hospice services, regardless of the patient's length of stay. The designation by a hospital of a portion of its facility for exclusive use by a home care organization to provide hospice services to its patients shall not:

- (a) alter the license to bed complement of such hospital, or
- (b) result in the establishment of a residential hospice.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-222.

Rule 1200-8-27-.06, Basic Agency Functions, is amended by adding the following language as new subparagraph (14)(b), and re-numbering the remaining subparagraphs appropriately, so that as amended, the new subparagraph (14)(b) shall read:

- (14)(b) A Hospice agency is authorized to receive and appropriately act on a written order for a plan of care for a patient concerning a home health service signed by a physician that is transmitted to the hospice agency by electronically signed mail. Such order that is transmitted by electronic mail shall be deemed to meet any requirement for written documentation imposed by this regulation.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-3-511, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-259, and 68-11-304.

Rule 1200-8-28-.08, Building Standards, is amended by adding the following language as new paragraph (28), so that as amended, the new paragraph (28) shall read:

- (28) Each HIV supportive living facility shall ensure that an emergency keyed lock box is installed next to each bank of functioning elevators located on the main level. Such lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key no matter where such box is located, and shall contain only fire service keys and drop keys to the appropriate elevators.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-216, 68-11-259, and 68-11-804.

Rule 1200-8-29-.11, Records and Reports, is amended by adding the following language as new item (2)(b)1, so that as amended, the new item (2)(b)1 shall read:

- (2)(b)1. A home medical equipment agency is authorized to receive and appropriately act on a written order for a plan of care for a patient concerning a home health service signed by a physician that is transmitted to the home medical equipment agency by electronically signed mail. Such order that is transmitted by electronic mail shall be deemed to meet any requirement for written documentation imposed by this regulation.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-209, and 68-11-259.

Rule 1200-8-35-.01, Definitions, is amended by deleting paragraph (50) in its entirety and substituting instead the following language, so that as amended, the new paragraph (50) shall read:

- (50) Outpatient Diagnostic Center. Any facility providing outpatient diagnostic services (computerized tomography, magnetic resonance imaging, positron emission tomography, or other imaging technology developed after the effective date of this rule which provides substantially the same functionality), unless the outpatient diagnostic services are provided as the services of another licensed healthcare institution that reports such outpatient diagnostic services on its joint annual report, or the facility is otherwise excluded from this definition. Outpatient diagnostic center does not include a physician or dental practice that is conducted at a location occupied and controlled by one or more physicians or dentists licensed under Title 63, if the outpatient diagnostic services are ancillary to the specialties of the physicians' practice or are provided primarily for persons who are patients of the physicians or dentists in the practice for purposes other than outpatient diagnostic services. Outpatient diagnostic centers in existence prior to the effective date of this rule will be required to obtain licensure by the department of health and comply with relevant reporting requirements.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, and 68-11-216.

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Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 1st Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board for Licensing Health Care Facilities.

Cathy Green, Director
Board for Licensing Health Care Facilities

Subscribed and sworn to before me this the 2nd day of November, 2005.

Notary Public

My commission expires on the 27th day of January, 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____